

Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, D.C. 20554

In the Matter of )  
)  
Closed Captioning and Video Description )  
of Video Programming )  
)  
Implementation of Section 305 of the )  
Telecommunications Act of 1996 )  
)  
Video Programming Accessibility )

MM docket No. 95-

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**COMMENTS OF THE MINNESOTA COMMISSION SERVING DEAF AND HARD OF  
HEARING PEOPLE (MCDHH) TO FURTHER NOTICE OF PROPOSED RULE  
MAKING CONCERNING CAPTIONING OF EMERGENCY INFORMATION**

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February 23, 1998

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Introduction

The Minnesota Commission Serving Deaf and Hard of Hearing People (MCDHH) submit the following comments concerning the FCC's request for further comments concerning the captioning of emergency information.

MCDHH is a fifteen member consumer-based organization which advocates for the concerns and interests of deaf and hard of hearing Minnesotans. By Minnesota state law, it is the "principal agency of the state to advocate on behalf of deaf, deaf-blind, and hard-of-hearing Minnesotans by working to ensure those persons have equal access to the services, programs, and opportunities available to others". (M.S.A. 256C.28)

In Minnesota where snow storms, blizzards, road closings, school closings, school bus delays, tornadoes, and floods are part of life, access to emergency information is crucial to the safety and well-being of its citizens.

For this reason, deaf and hard of hearing Minnesotans are vitally concerned about access to emergency information, especially emergency weather information. We ask that the FCC adopt rules requiring that the entire portion of any emergency programming be displayed visually. Until and unless other equally effective ways of accomplishing this are found, we ask that the FCC adopt rules requiring that such visual information be captioned using real time captioning.

In response to the FCC's request for comments to specific questions, we offer the following:

**FCC Inquiry: Are separate transitional closed captioning requirements needed for emergency information or are there other methods of providing accessibility for this type of programming?** (See paragraph 7 of the FCC "Further Notice of Proposed Rulemaking".)

**Comment:** Yes, separate transitional closed captioning requirements are needed for emergency information. Rules that require real time closed captioning of emergency information must be established on an expedited time schedule. The current FCC captioning rules do not assure that emergency information will ever be captioned or presented visually. As the FCC acknowledges themselves, ENR captions only transmit text transmitted from the scripting computers onto teleprompters. Unscripted material is not captioned.

The FCC's "urging" of programmers to script additional portions of news, weather, and sports will not assure that emergency information will be scripted, nor that it will be scripted in substantially the entire text of the audio portion of the program. Because programmers are legitimately concerned about being financially competitive, individual programmers will not

begin to do real time captioning of emergency information until and unless all programmers are required to do so. Only then will all programmers incorporate these costs into their general operating expenses and recover those costs, through increased advertising rates, if necessary.

**FCC Inquiry: What types of information and programs should be considered “emergency information” for the purposes of our rules?** (See paragraph 8 of the FCC “Further Notice of Proposed Rulemaking”.)

**Comment:** Certainly all the examples of emergency situations currently listed in 47 CFR Section 73.1250(h) should be considered emergencies for purposes of this rule. In addition, all information about police emergencies that is presented during interruption of regular programming should be considered an emergency for purposes of this rule. So that programmers have an objective standard for determining whether a situation is an “emergency”, we urge the FCC to find that in addition to the emergencies listed in 47 CFR Section 73.1250(h), whenever a programmer interrupts their normal programming to present special information, that information be considered an “emergency” for purposes of this rule.

**FCC Inquiry: Is it feasible to require video program providers to supply closed captions for emergency information programs? Are there sufficient human resources to provide real time captioning of emergency information?** (See paragraphs 9 and 10 of the FCC “Further Notice of Proposed Rulemaking”.)

**Comment:** Until and unless there is a mandate to caption emergency information, there will not be a sufficient number of real-time captioners to do this. Why should there be? Why

would people get training to provide a service for which there is no demand? A mandate will establish a demand and the supply will follow. We have been told by a principal of a local real-time captioning firm that this is indeed the reality. When the demand arises, real-time captioning firms will recruit and train staff to fill the need. Until then, they will not. It's basic economics!

**FCC Inquiry: Should emergency programming be given a higher priority for captioning than other types of new programs?** (See paragraph 12 of the FCC "Further Notice of Proposed Rulemaking".)

**Comment:** Yes. Without any doubt, emergency information that directly affects the safety and well being of individuals must receive higher priority for captioning than other types of new programs.

**FCC Inquiry: Comment on the FCC's tentative conclusion that any textual presentation of emergency information programs should be required to incorporate substantially the entire text of the audio portion of the program.** (See paragraph 12 of the FCC "Further Notice of Proposed Rulemaking".)

**Comment:** We wholeheartedly agree with this conclusion. If the safety and well being of all people is to be considered and protected, the same information that is presented aurally must be presented visually.

For example, local television stations in the Minneapolis-St. Paul area often interrupt programming to broadcast live, moment-by-moment information about the path of a tornado or straight winds traveling through the Twin Cities area. Receiving reports from their reporters and

citizens, they convey information about sightings of the tornado, the path it is taking, the cities that are likely in its path, any touchdowns, information about its size, severity, and speed and detailed information about safety precautions. Deaf and hard of hearing people who can't hear the audio portion of the program can't access this detailed information that is needed to protect their personal safety and well being.

Similarly, during the disastrous Spring '97 floods along the Red River in Northwestern Minnesota, information about flood crests, dam breakages, and the like were not captioned. This must not be allowed to happen again!

**FCC Inquiry: Should all video program providers be required to supply closed captions for emergency information, even where the provider is otherwise eligible for one of the FCC revenue-based exemptions?** (See paragraph 13 of the FCC "Further Notice of Proposed Rulemaking".)

**Comment:** Yes. Again, we are talking about information vital to the safety and well being of individuals. This information must be provided and when necessary can be provided via remote captioning services. As stated previously, when all programmers are required to do this, they will build it into their operating budgets and recoup it via increased advertising rates, if necessary. Such increased advertising costs would possibly be passed on to all consumers in the form of increased costs for goods and services. However, much like with health insurance, the practice of "spreading the cost" evenly and equitably so that everyone can have equal access to the information and services needed to protect their safety and well being is well established.

**FCC Inquiry: Are there acceptable methods of visually presenting emergency information other than closed captioning?** (See paragraph 14 of the FCC “Further Notice of Proposed Rulemaking”.)

**Comment:** Perhaps. We are not opposed to the use of any technology which would assure that substantially the entire text of the audio portion of the emergency programming is presented visually.

**FCC Inquiry: Are there alternative methods or requirements that could be adopted to ensure that all pertinent details are accessible?** (See paragraph 15 of the FCC “Further Notice of Proposed Rulemaking”.)

**Comment:** Because we lack sufficient information, we decline to comment on Cal-TVA’s suggestion that a second text channel be used. However, if a 10 minute delay is required to do this, we have serious concerns. Tornadoes move quickly. A ten minute delay in getting emergency information may make the difference between personal safety and injury.

**FCC Inquiry: Are there any other implications for a proposal to promote and ensure the accessibility of emergency programming?** (See paragraph 16 of the FCC “Further Notice of Proposed Rulemaking”.)

**Comment:** Currently, when programmers scroll emergency information across the bottom of the television screen, without interrupting regular programming, the closed captions from the regular programming block or cover up the emergency information. For example, we have been told that scrolled, visual information about school closings is often blocked out by the

captions for regular programming.

MCDHH requests that the FCC require that such visual emergency information be presented in such a manner that it is not blocked by the captions of the regular programming.

We understand that this can be done and at times has been done. However, some or most stations are not sensitive to this problem or have chosen to ignore it if they are aware of it.

Visual emergency information that cannot be read because of interference from other captioning is useless! The FCC could do much to rectify this by ordering that programmers take steps to make sure that this does not happen.

We thank the FCC for recognizing and addressing this important concern for deaf and hard of hearing citizens.

Respectfully submitted,

Minnesota Commission Serving Deaf and Hard of Hearing  
People

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